

AO 91 (Rev. 11/11) Criminal Complaint

**FILED**

JAN - 5 2018

CLERK, U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY TCZ DEPUTY

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Case No.

SA: 18-MJ-0008

RICHARD NIKOLAI GRATKOWSKI

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2016 - May 2017 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:*Code Section*

18 U.S.C. 2252A(a)(2)

*Offense Description*

Receipt of Child Pornography

PENALTIES: Minimum 5 years confinement; Maximum 20 years  
confinement, \$250,000 fine, life supervised release, \$100 mandatory special  
assessment; \$5,000 assessment pursuant to JVTA; Restitution; and  
Forfeiture of any equipment used to facilitate the commission of the crime.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.James Thompson  
Complainant's signature

James Thompson, SA FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

1/5/2018

City and state:

San Antonio, TexasElizabeth S. Chestney  
Judge's signature

ELIZABETH S. CHESTNEY, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James Thompson, being duly sworn, depose and say that:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and have been so employed since November 2003. I am currently assigned to the San Antonio Division of the FBI. I am assigned to the Violent Crimes against Children Section and as such, I investigate crimes against children, including the trafficking and possession of child pornography. I have received particularized training in the investigation of computer-related crimes, Usenet, peer-to-peer computer networking, and online (i.e. Internet based) crimes against children. I have conducted and been involved in numerous investigations of individuals suspected of producing, distributing and receiving child pornography and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography. I have been directly involved in investigations relating to the sexual exploitation of children, and have reviewed extensive examples of child pornography in various media formats, including computer-based formats. I have also received training in the investigation and detection of cases involving the sexual exploitation of children and child pornography.

2. This affidavit is being submitted in support of a Criminal Complaint for RICHARD NIKOLAI GRATKOWSKI.

3. On January 4, 2018, a federal search warrant was executed at the residence of, and on the person of Richard Nikolai GRATKOWSKI in San Antonio, Texas for evidence of child pornography.

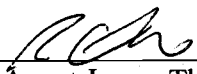
4. Richard Nikolai GRATKOWSKI was not at the residence at the time but was notified about the search warrant and agreed to speak with agents about his online activities. GRATKOWSKI admitted he accessed two child pornography websites over the last 18 months. GRATKOWSKI stated he downloaded files depicting the sexual abuse of children from one of the websites, viewed them, deleted them, and then used special computer software to wipe the information from his hard drive.

5. During the course of the investigation, law enforcement agents received information that GRATKOWSKI accessed a child pornography website on multiple occasions between June 2016 and May 2017. A review of his financial records shows he used a credit card in order to pay for access to the child pornography website.

6. The child pornography websites he accessed contained images and videos of prepubescent children engaged in a variety of sexually explicit conduct, including the vaginal and anal penetration of prepubescent children.

7. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that **RICHARD NIKOLAI GRATKOWSKI** did knowingly receive any child pornography using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, in violation of Title 18, United States Code Section 2252A(a)(2).

FURTHER AFFIANT SAYETH NOT,

  
\_\_\_\_\_  
Special Agent James Thompson, FBI  
San Antonio, Texas

956  
SWORN TO BEFORE ME THIS  
5th DAY OF JANUARY, 2018

  
\_\_\_\_\_  
THE HONORABLE ELIZABETH S. CHESTNEY  
UNITED STATES MAGISTRATE JUDGE